

**COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

Rulemaking Implementing the Requirements of)	
the 2024 Climate Act, St. 2024, c. 239, to)	
Establish New Requirements, Revise Existing)	EFSB 25-10-C
Requirements, and Repeal Unused Requirements)	
Governing the Energy Facilities Siting Board)	

TENTATIVE DECISION PROMULGATING FINAL REGULATIONS IN
RULEMAKING ON CUMULATIVE IMPACT ANALYSIS AND SITE SUITABILITY
CRITERIA

DRAFT April 15, 2026

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The Energy Facilities Siting Board (“Siting Board”) hereby [approves] a Decision adopting final regulations in a rulemaking to implement An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers, St. 2024, c. 239 (“2024 Climate Act” or the “Act”). G.L. c. 30A, §§ 1-7. To implement the 2024 Climate Act, the Siting Board promulgates final regulations regarding the Cumulative Impact Analysis and Standards for Applying Siting Suitability Criteria provisions of the 2024 Climate Act, 980 CMR 15.00. St. 2024, c. 239, §§ 5, 53, 60, 62, 74.

I. INTRODUCTION

On November 20, 2024, Governor Maura Healey signed into law the 2024 Climate Act. The 2024 Climate Act reforms the siting and permitting process for clean energy infrastructure facilities (“CEIF”) and revises the statutory obligations of the Siting Board. A major focus of the 2024 Climate Act is reforming the siting and permitting process for CEIF to help achieve the Commonwealth’s ambitious climate and clean energy goals. Key provisions of the 2024 Climate Act will improve the speed and efficiency of siting and permitting CEIF at state and local levels, ensure that the benefits of the clean energy transition are shared equitably among all residents of the Commonwealth, and that communities and other stakeholders have meaningful opportunities for engagement and input in pre-filing and review processes. Specifically, the 2024 Climate Act requires the Siting Board to promulgate regulations to implement changes to G.L. c. 164, §§ 69G to 69J¼, inclusive, §§ 69O and 69P, §§ 69R and 69S, and §§ 69T to 69W, inclusive. The 2024 Climate Act requires the Siting Board to promulgate regulations by March 1, 2026, for Applications filed with the Siting Board on or after July 1, 2026. St. 2024, c. 239, § 132.¹

¹ Concurrent with the Siting Board’s development of these regulations, other agencies are also promulgating related regulations to implement the 2024 Climate Act. DOER has promulgated regulations and guidance documents to establish a process for Local Governments to issue Consolidated Local Permits. 225 CMR 29.00. The Department has promulgated regulations to implement the Intervenor Support Grant Program. 220 CMR 34.00. In addition, the Department will promulgate regulations setting revised filing fees for Applications filed with the Siting Board. 220 CMR 32.00.

On September 12, 2025, the Siting Board issued a Decision Opening Rulemaking in EFSB 25-10, including a series of proposed regulations to implement the 2024 Climate Act provisions: revisions to 980 CMR 1.00 and 2.00; new regulations 980 CMR 13.00, 14.00, and 16.00;² and repeals of 980 CMR 4.00, 5.00, 7.00, 8.00, and 11.00³. EFSB 25-10.⁴ In addition, the Decision Opening Rulemaking identified a public comment process to receive comment on the proposed regulations. The Siting Board completed its rulemaking proceeding for these regulations and issued a Final Decision on February 13, 2026. EFSB 25-10-B. The regulations, 980 CMR 1.00, 2.00, 13.00, 14.00, and 16.00 and repeals of 980 CMR 4.00, 5.00, 7.00, 8.00, and 11.00, were effective on February 27, 2026 when they were published in the Massachusetts Register, each noted below in Table 1.

On December 19, 2025, the Siting Board opened the rulemaking to issue a proposed regulation, 980 CMR 15.00, Cumulative Impact Analysis and Standards for Applying Siting Suitability Criteria. EFSB 25-10-A. In this Decision, the Siting Board adopts a final regulation, 980 CMR 15.00 (“Final CIA and SSC Regulations”). EFSB 25-10-C.

Table 1. Summary of Final and Proposed EFSB Regulations.

Regulation	Status	Regulation Title
980 CMR 1.00	Revised (final)	Rules for the Conduct of Adjudicatory Proceedings
980 CMR 2.00	Revised (final)	General Information and Conduct of Board Business

² In response to comments, the Siting Board did not issue Final Regulations for 980 CMR 17.00, Constructive Approval, at the same time as the other regulations. The Siting Board intends to issue a final rulemaking decision on Constructive Approval at a later time.

³ In its Proposed Regulations, the Siting Board proposed to also repeal 980 CMR 9.00. The Massachusetts Office of Coastal Zone Management filed comments indicating its recommendation that the Siting Board retain 980 CMR 9.00, as this regulation is the underlying state authority for a provision of the approved Massachusetts Coastal Management Program. The Siting Board retained 980 CMR 9.00 in response to comments from the Office of Coastal Zone Management.

⁴ The Siting Board noted at the time that it planned to also propose a new chapter of regulations (980 CMR 15.00) focused on cumulative impacts analysis and site suitability criteria.

Table 1. Summary of Final and Proposed EFSB Regulations.

Regulation	Status	Regulation Title
980 CMR 13.00	New (final)	Consolidated Permits for Clean Energy Infrastructure Facilities
980 CMR 14.00	New (final)	De Novo Adjudications of Consolidated Local Permit Applications
980 CMR 16.00	New (final)	Pre-filing Consultation and Engagement Requirements
980 CMR 17.00	New (proposed)	Constructive Approval
980 CMR 4.00	Repealed (final)	Freedom of Information; Protection of Trade Secrets
980 CMR 5.00	Repealed (final)	Environmental Assessment and Environmental Impact
980 CMR 7.00	Repealed (final)	Long-Range Forecasts and Supplements
980 CMR 8.00	Repealed (final)	Notices of Intention to Construct an Oil Facility
980 CMR 11.00	Repealed (final)	Licensing of Hydropower Generating Facilities

II. DESCRIPTION OF THE 2024 CLIMATE ACT

A. Background on the 2024 Climate Act

The Siting Board’s Decision Opening Rulemaking reviews in detail the siting and permitting provisions of the 2024 Climate Act. See EFSB 25-10. Specifically, the 2024 Climate Act creates a new Consolidated Permit process⁵ by which the Siting Board will issue all necessary local, regional, and state permits and approvals for Large Clean Energy Infrastructure Facilities⁶ (“LCEIF”). G.L. c. 164, § 69T. In addition, G.L. c. 164, § 69U allows proponents of Small Clean Transmission and Distribution Infrastructure Facilities (“SCTDIF”) to elect to seek a Consolidated Permit from the Siting Board that includes all necessary state, regional, and local permits. G.L. c. 164, § 69V allows proponents of Small Clean Energy Generation Facilities (“SCEGF”) and

⁵ A Consolidated Permit is a permit issued by the Siting Board to a CEIF Applicant that includes all state, regional, and local permits that the CEIF would otherwise need to obtain individually, except for certain federal permits that are delegated to specific state agencies.

⁶ Capitalized terms throughout this Decision refer to terms defined in the Final Regulations.

Small Clean Energy Storage Facilities (“SCESF”) to elect to seek a Consolidated State Permit from the Siting Board that includes all necessary state permits.^{7,8} The 2024 Climate Act establishes mandatory deadlines for the Siting Board to issue these permits; if the Siting Board fails to issue a decision on the permit Application by the deadline, the Application will be constructively approved, meaning that the Applicant will receive a Consolidated Permit with certain pre-determined common conditions. St. 2024, c. 239, § 74.

Additional provisions of the 2024 Climate Act include: G.L. c. 164, § 69W, which allows Local Governments to elect to refer a request for all necessary local permits for a SCEIF to the Siting Board Director for a De Novo Adjudication of a Consolidated Local Permit request initially submitted to local permit officials;⁹ and allows Applicants and other substantially and specifically affected individuals and entities to seek De Novo Adjudication by the Director of Consolidated Local Permit decisions made by a Local Government (or issued by Constructive Approval).¹⁰ The 2024 Climate Act establishes a new mandate, scope of review, and required findings for the Siting Board, and expands the membership of the Siting Board. St. 2024, c. 239, § 60. Additionally, the 2024 Climate Act mandates that prior to filing an Application with the Siting Board, Applicants consult with state, regional, and local agencies regarding their Project, and engage with community members and organizations in the area where a Project is proposed. *Id.* at § 74. The 2024 Climate

⁷ Local permits for SCEGFs and SCESFs would be issued by Local Government as either a Consolidated Local Permit, pursuant to regulations established by the Department of Energy Resource (“DOER”), 225 CMR 29.00, or as individual local permits not subject to 225 CMR 29.00. 225 CMR 29.04(1).

⁸ An “EFSB Consolidated Permit” is defined in 980 CMR 1.01(4) as being either a Consolidated Permit or a Consolidated State Permit.

⁹ A Consolidated Local Permit is a permit issued by a Local Government for a SCEIF that includes all required local permits, approvals, or authorizations that the Applicant would otherwise need to obtain individually from the Local Government. DOER is promulgating 225 CMR 29.00 to implement the Consolidated Local Permit process.

¹⁰ A Local Government is a municipal or regional authority, board, commission, office, or other entity, as defined in G.L. c. 25A, § 21, that would have had jurisdiction to issue at least one permit for an LCEIF or SCEIF absent a Consolidated Permit.

Act transfers certain siting authority from the Department of Public Utilities (“Department”), including authority to grant zoning exemptions and to grant the right to exercise the power of eminent domain, consolidating that authority in the Siting Board. St. 2024, c. 239, §§ 72, 73, 75, 76, 83.

B. Statutory Requirements for the Cumulative Impact Analysis and Site Suitability Provisions

The 2024 Climate Act contains two provisions that require the Board to consider the cumulative burdens or impacts of a Project on the location in which it is proposed to be sited. The Board’s statutory mandate, in G.L. c. 164, § 69H, requires that any determination by the Siting Board include findings that due consideration has been given to cumulative burdens on host communities and efforts to avoid, minimize, or mitigate such burdens. St. 2024, c. 239, § 60.

The Act also includes a cumulative impact analysis (“CIA”) provision, which requires Applicants to determine: (1) whether their project is to be sited in a specific geographical area that “is subject to an existing unfair or inequitable environmental burden or related health consequence,” and if so; (2) whether the environmental and public health impact from the proposed project would likely result in a disproportionate adverse effect on the area or would increase or reduce the effects of climate change on the area. St. 2024, c. 239, § 53. If the Project is likely to result in a disproportionate adverse effect on a “specific geographical area,” the Applicant must propose potential remedial actions to address any disproportionate adverse effect to the environment, public health, and climate resilience of the area that may be attributable to the proposed Project. St. 2024, c. 239, § 53. These requirements apply to CEIFs and legacy Facilities reviewed by the Board (i.e., fossil fuel facilities). Id. at § 53. Further, the Siting Board is required to promulgate regulations that apply Site Suitability Guidance established by the Executive Office of Energy and Environmental Affairs (“EEA”).¹¹ Id. at § 74.

¹¹ EEA is responsible for developing guidance on Site Suitability Guidance; OEJE is responsible for developing guidance on CIA, and the Siting Board is responsible for promulgating regulations which incorporate both the CIA and Site Suitability guidances.

The 2024 Climate Act requires that the EEA Office of Environmental Justice and Equity (“OEJE”) develop and issue before the Siting Board Final CIA and SSC Regulations standards and guidelines governing the potential use and applicability of CIA (“CIA Guidelines”) in developing energy infrastructure, with input from representatives of utilities, the renewable energy industry, local government, environmental justice community organizations, environmental sectors and other representatives as deemed appropriate by OEJE.¹² St. 2024, c. 239, §§ 5, 129, 139; G.L. c. 21A, § 29. The 2024 Climate Act requires that the Siting Board develop standards for applying the CIA Guidelines developed by OEJE, by March 1, 2026, to apply to all jurisdictional projects submitted to the Siting Board on or after July 1, 2026. St. 2024, c. 239, §§ 74, 132, 139.¹³ The 2024 Climate Act further requires the Siting Board to promulgate regulations for CIA as part of its review of Facilities, LCEIF and SCEIF provided, however, that such regulations shall be informed by the CIA Guidelines issued by OEJE. St. 2024, c. 239, §§ 62, 132. Finally, the 2024 Climate Act requires Applicants for Consolidated Permits, and entities filing petitions to construct to include in its Application or Petition a CIA. St. 2024, c. 239, §§ 61 (projects subject to G.L. c. 164, §§ 69H, 69K, 69K½), 65 (projects subject to G.L. c. 164, § 69J), 68 (projects subject to G.L. c. 164, § 69J¼), 74 (projects subject to G.L. c. 164, §§ 69T, 69U, 69V). 980 CMR 15.00 also applies to every project change that triggers the EFSB’s jurisdiction.

Further, the 2024 Climate Act includes provisions relating to the suitability of sites for CEIF.¹⁴ St. 2024, c. 239, § 5. The 2024 Climate Act requires EEA, by March 1, 2026, to establish and periodically update a methodology for determining the suitability of sites for Large Clean Energy Generation Facilities (“LCEGF”), SCEGFs, Large Clean Energy Storage Facilities

¹² OEJE has also developed Standards and Guidelines for Community Benefit Plans and Community Benefit Agreements.

¹³ The Siting Board acknowledges that it did not promulgate final regulations to implement the cumulative impact analysis and site suitability criteria before March 1, 2026. With this decision, the Siting Board is promulgating Final CIA and SSC Regulations well in advance of July 1, 2026, the date by which Applicants must meet the new requirements pursuant to the 2024 Climate Act.

¹⁴ The Siting Board notes that the 2024 Climate Act does not apply the site suitability requirements to “legacy” Facilities, aka “Fossil Fuel-Related Energy Infrastructure.”

(“LCESF”), SCESFs, and Large Clean Energy Transmission and Distribution Infrastructure Facilities (“LCTDIF”) and SCTDIFs established in new public rights of way (“Site Suitability Guidance”).¹⁵ St. 2024, c. 239, §§ 5, 130; G.L. c. 21A, § 30. The 2024 Climate Act requires EEA’s methodology to include multiple geospatial screening criteria to evaluate sites for: (i) development potential; (ii) climate change resilience; (iii) carbon storage and sequestration; (iv) biodiversity; and (v) social and environmental benefits and burdens. St. 2024, c. 239, §§ 5, 130; G.L. c. 21A, § 30. The 2024 Climate Act also requires project proponents to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate siting impacts and environmental and land use concerns. St. 2024, c. 239, §§ 5, 130; G.L. c. 21A, § 30. Additionally, the 2024 Climate Act requires EEA to develop and periodically update guidance to inform state, regional, and local regulations, ordinances, by-laws and permitting processes on ways to avoid, minimize, or mitigate impacts on the environment and people to the greatest extent practicable. St. 2024, c. 239, §§ 5, 130; G.L. c. 21A, § 30.

The 2024 Climate Act requires the Siting Board to establish, by March 1, 2026, standards for applying the Site Suitability Guidance developed by EEA to evaluate the social and environmental impacts of proposed LCEIF project sites. St. 2024, c. 239, §§ 74, 132, 139. The 2024 Climate Act specifies that the Siting Board’s Site Suitability standards shall include a mitigation hierarchy to be applied during the permitting process to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate impacts of siting on the environment and people while contributing to the goals and objectives of the Commonwealth for climate mitigation, carbon storage and sequestration, resilience, biodiversity, and protection of natural and working lands to the extent practicable. St. 2024, c. 239, §§ 74, 132, 139.

¹⁵ The Site Suitability Guidance uses the term “Site Suitability Report” (“SSR”) to describe the required end product of this analysis by Applicants. We use the term Site Suitability Criteria (“SSC”), as in the 2024 Climate Act, to describe the provisions the Board’s related standards are obligated to follow.

III. PROCEDURAL HISTORY

A. Background

Governor Healey established the Commission on Energy Infrastructure Siting and Permitting (“Commission”) on September 26, 2023, with the intention to remove barriers to expeditious and responsible CEIF development to meet greenhouse gas emissions limits outlined in the Commonwealth’s Clean Energy and Climate Plan. The mandate of the Commission was to advise the Governor on: (1) accelerating the responsible deployment of clean energy infrastructure through siting and permitting reform in a manner consistent with applicable legal requirements and the Clean Energy and Climate Plan; (2) facilitating community input into the siting and permitting of clean energy infrastructure; and (3) ensuring that the benefits of the clean energy transition are shared equitably among all residents of the Commonwealth. Executive Order No. 620. The Commission issued a final report in March 2024. Many of the recommendations from the Commission’s report were enacted in the 2024 Climate Act in November 2024. St. 2024, c. 239.

B. Rulemaking on 980 CMR 1.00, 2.00, 13.00, 14.00, 16.00, and repeals of 980 CMR 4.00, 5.00, 7.00, 8.00, 11.00

The Siting Board’s Decision Opening Rulemaking, issued September 12, 2025, includes a description of the extensive outreach conducted during the development of the Proposed Regulations. This outreach process included an informal stakeholder process, with straw proposals, stakeholder meetings in April and May, 2025, and written comments. See EFSB 25-10. The Siting Board conducted a stakeholder meeting on May 5, 2025, focused particularly on CIA.¹⁶ The Siting Board considered the comments received on its straw proposals in guiding the development of the draft Proposed Regulations.

¹⁶ The Department, EEA, and OEJE also issued straw proposals for requirements for a new intervenor support grant program, SSC, and community benefits plans, respectively. The straw proposals are available at <https://www.mass.gov/info-details/2024-climate-act-stakeholder-sessions>. The Siting Board staff and OEJE presented a slide deck regarding CIA. The Siting Board staff also issued a request for comments for a new Siting Board permitting dashboard.

The Siting Board issued a Tentative Decision and Proposed Regulations on September 4, 2025. The Siting Board conducted a hybrid Board meeting on September 8, 2025. The Siting Board voted to approve the Tentative Decision, and to issue the Proposed Regulations for comment. On September 12, 2025, the Siting Board issued a Decision Opening Rulemaking in EFSB 25-10. The Proposed Regulations were published in the Massachusetts Register on September 26, 2025.

The Siting Board issued Proposed Regulations for a formal public comment process focusing on all aspects of the 2024 Climate Act implementation with the exception of CIA. The Siting Board and Department conducted four hybrid public comment hearings in various locations around the Commonwealth: October 27 in New Bedford, October 29 in Pittsfield, November 3 in Boston, and November 5 in Lynn, and accepted written comments until November 7, 2025. The Siting Board received approximately 540 written comments on the Proposed Regulations (of which approximately 475 were form letters) from a diverse range of stakeholders, including state agencies, local and other officials, utility representatives, clean energy developers, environmental groups, labor representatives, community-based organizations, and many individuals.¹⁷ The Siting Board staff revised the Proposed Regulations in response to comments received, and issued the draft Final Regulations for public comment on January 6, 2026. On January 7, 2026, the Siting Board conducted a hybrid Board meeting to receive a staff presentation on the draft Final Regulations and to hear additional public comment. The Siting Board provided a further opportunity for written comments on the draft Final Regulations in addition to the earlier required comment period, and made revisions in response to the comments.

The Siting Board released the Final Regulations, and a Tentative Decision explaining the changes to the public on February 11, 2026. The Siting Board conducted a hybrid Board meeting on February 12, 2026, to hear comment, deliberate, and vote on the Final Regulations. At the Board meeting, the Siting Board approved the Tentative Decision and Final Regulations for

¹⁷ Some of the comments addressed Cumulative Impact Analysis and Site Suitability, as well as Constructive Approval (see e.g., The Nature Conservancy; Town of Charlton; Joint Comments of Eversource and National Grid). The Siting Board will address these issues in a later Decision.

issuance. The Siting Board issued a Decision Adopting Final Regulations on February 13, 2026. EFSB 25-10-B. The Final Regulations went into effect February 27, 2026, upon publication in the Massachusetts Register, for Applications filed July 1, 2026, and afterwards.

C. Rulemaking for CIA and SSC, 980 CMR 15.00

OEJE developed draft guidelines on CIA during the summer and fall of 2025. In addition, EEA developed draft guidance on SSC during this same timeframe. Both the CIA Guidelines and Site Suitability Guidance documents have been released for public comment, and OEJE and EEA have conducted multiple stakeholder meetings regarding each guidance document. Siting Board staff have attended many of those stakeholder meetings. In addition, EEA conducted a Site Suitability webinar on October 9, 2025.

The Siting Board issued draft proposed regulations on CIA and SSC (“Proposed CIA and SSC Regulations”) for discussion purposes on October 31, 2025. Siting Board staff, along with staff from OEJE, conducted a virtual webinar on November 6, 2025, at which staff provided an overview of the OEJE CIA Guidelines and the draft Proposed CIA and SSC Regulations. The Siting Board accepted written comments on the draft Proposed CIA and SSC Regulations and OEJE accepted written comments on the draft CIA Guidelines. The Siting Board staff considered the extensive oral and written comments received during the informal outreach process and revised the draft Proposed CIA and SSC Regulations.

The Siting Board opened a formal rulemaking on new regulations 980 CMR 15.00, Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria. The Siting Board conducted a hybrid Siting Board Meeting on December 15, 2025. At the Board meeting, the Siting Board heard presentations from Siting Board staff, accepted public comment, and deliberated on the Tentative Decision. The Siting Board voted to approve the Tentative Decision Opening Rulemaking, and to issue the Proposed Regulations for comment. EFSB 25-10-A, December 19, 2025.

Proposed regulation, 980 CMR 15.00, was published in the Massachusetts Register, January 2, 2026. The notice of the Proposed CIA and SSC Regulations public comment period was included in the Siting Board’s December 19, 2025 Decision Opening Rulemaking. In

addition, the notice was posted on the Siting Board website, and sent via email to a Siting Board distribution list, including persons requesting notification of Siting Board rulemakings. The Notice was published in the Boston Globe on January 2, 2026. Notice was also provided to the Local Government Advisory Committee (via the Massachusetts Municipal Association and Massachusetts Department of Housing and Community Development), and to the Massachusetts Department of Environmental Protection.

The Siting Board established a public comment period of January 23 – February 13, 2026 regarding the Proposed CIA and SSC Regulations. The Siting Board accepted written comments until February 13, 2026. The Siting Board conducted two remote public comment hearings on February 2, 2026. In addition, the Siting Board provided interpretation in the following languages in addition to English: Spanish, Brazilian Portuguese, Haitian Creole, Chinese, Vietnamese, and American Sign Language. The Siting Board posted recordings of the public comment hearings on its YouTube channel.¹⁸ The Siting Board received approximately 42 written comments on the Proposed CIA and SSC Regulations (in addition to approximately 270 form letters) from a diverse range of stakeholders, including state agencies, local and other officials, utility representatives, clean energy developers, environmental groups, labor representatives, community-based organizations, and many individuals.¹⁹ All comments received by the Siting Board were posted to a dedicated webpage for the EFSB 25-10 docket:

<https://eeaonline.eea.state.ma.us/dpu/fileroom/#/dockets/docket/12678>. The Siting Board heard eleven oral comments during the public comment hearings.

On February 26, 2026, the Siting Board conducted a hybrid Board meeting to receive a staff presentation on the draft Final CIA and SSC Regulations and to hear additional public comment from commenters. For the Board meeting, the Siting Board provided interpretation in the following languages in addition to English: Spanish, Brazilian Portuguese, Haitian Creole,

¹⁸ The Siting Board YouTube channel is available at:
<https://www.youtube.com/channel/UcklPj6xxSKww-Kr26lEZVTA>.

¹⁹ Some of the comments filed in EFSB 25-10 for the other regulation packages also addressed CIA and Site Suitability, as well as Constructive Approval (see e.g., The Nature Conservancy; Town of Charlton; Joint Comments of Eversource and National Grid).

Chinese, Vietnamese, and American Sign Language. The Siting Board posted recordings of the Board meeting on its YouTube channel.

The Siting Board staff revised the Proposed CIA and SSC Regulations in response to comments received, and issued the draft Final CIA and SSC Regulations for one further public comment period on March 20, 2026. The Siting Board provided a further opportunity for written comments on the draft Final CIA and SSC Regulations in addition to the earlier required comment period, and made revisions in response to the comments. The Siting Board released the Final CIA and SSC Regulations, and a Tentative Decision explaining the changes to the public on April 15, 2026.

The Siting Board conducted a hybrid Board meeting on April 21, 2026, to hear comment, deliberate, and vote on the Final CIA and SSC Regulations. The Siting Board provided interpretation in Spanish, Brazilian Portuguese, Haitian Creole, Chinese, Vietnamese, and American Sign Language. At the Board meeting, the Siting Board [approved] the Tentative Decision and Final CIA and SSC Regulations for issuance. The Siting Board issued a Decision Adopting Final Regulations on April 24, 2026. The Final CIA and SSC Regulations will go into effect May 8, 2026, once published in the Massachusetts Register, for Applications filed July 1, 2026, and afterwards.

IV. GUIDANCE DOCUMENTS

A. OEJE CIA Guidelines

Given its statutory role in developing guidelines for CIA, OEJE initiated the development of an informational tool that could help address key data and analytical requirements for CIA, as detailed in the Act. In collaboration with other agencies in the EEA Secretariat, including the Department and Siting Board, as well as outside experts and stakeholders, OEJE developed MassEnviroScreen (“MES”). OEJE’s objective for MES is to provide a consistent, data-driven basis for evaluating community-level burdens and integrating those findings into siting and permitting decisions. CIA Guidelines at 2. MES is intended to satisfy key requirements of the 2024 Climate Act by supporting the development and application of site suitability and cumulative

impact processes required by statute. MES is also intended to complement the procedural and permitting reforms developed by the Siting Board.

The purpose of the CIA Guidelines is to establish a clear and consistent framework for the preparation of a CIA that incorporates cumulative impacts and environmental justice considerations in siting and permitting decisions for energy infrastructure projects, particularly as they impact areas experiencing an existing unfair or inequitable environmental burden or related public health consequence. St. 2024, c. 239, §§ 5, 53, 129. The CIA Guidelines outline core principles of the newly required CIA and provides a practical roadmap for integrating those principles in the regulatory and decision-making processes of the Siting Board. OEJE finalized the CIA Guidelines on April 15, 2026.²⁰ The Siting Board's regulations at 980 CMR 15.00 incorporate the CIA Guidelines.

A key component of the CIA process is the MES.²¹ MES is a GIS-based mapping tool developed and administered by OEJE that uses Indicators to produce an MES Score and provide Indicator data for every Census Block Group across the Commonwealth. 980 CMR 15.02. MES is designed to identify the most environmentally vulnerable or burdened communities in Massachusetts. The MES tool supports consistent, data-informed approaches to understanding cumulative environmental and social burdens across the state.

The MES uses 30 statewide Indicators to characterize Pollution and Climate Burden and Population Characteristics.²² The MES uses percentiles to assign scores for each of the Indicators

²⁰ The Final OEJE CIA Guidelines are available at <https://www.mass.gov/doc/april-2026-cia-standards-and-guidelines/download>.

²¹ MES is available at: <https://mass-eoea.maps.arcgis.com/apps/instant/sidebar/index.html?appid=4be63e892a3d42d69334615a64095a39>.

²² Based on its review, OEJE recommended the use of 30 Indicators in MES, and in the CIA process. These Indicators provide data coverage across the entire state, with varying geographic scale (e.g., data at county, census tract, or Census Block Group levels). OEJE's consultant transformed all data into percentile values, across all Census Block Groups, in Massachusetts so that that data could be used in a consistent manner in an overall cumulative impact score, in percentile terms (0 - 100). OEJE emphasized that even at the highest percentiles, Indicators provide comparative information on the ranking of such data

in a given geographic area. The percentiles represent a relative score for the Indicators with the higher percentiles indicating greater cumulative burden. The MES Score reflects two main factors: (1) pollution and climate burden; and (2) population characteristics, which together are made up of five component scores: Environmental Exposures; Environmental Effects; Climate Risks; Sensitive Populations; and Socioeconomic Factors.²³ CIA Guidelines at 8.

MES combines the component scores to produce a cumulative burden score (0 - 100) for every Census Block Group in Massachusetts that is relative to other Census Block Groups in the state. CIA Guidelines at 8. After the Indicators are scored within Pollution and Climate Burden and Population Characteristics, scores for the Pollution and Climate Burden and Population Characteristics categories are multiplied to calculate the overall MES Score. The cumulative burden score is in percentile ranks, which means that a community's score also indicates the percentage of cumulative burden scores for all Census Block Groups in Massachusetts that it equals or exceeds. MES is one tool to determine those Census Block Groups that are identified as Burdened Areas ("BAs"). Communities are designated as BAs when they meet one or both of the following criteria: (1) cumulative burden percentile score (i.e., MES Score) of 75 or greater; or (2) annual median household income is 65 percent or less of the statewide annual median household income. CIA Guidelines at 8.

The CIA Guidelines outline the CIA process. Project Applicants must identify the Specific Geographical Area(s) ("SGA") of the proposed Project. The SGA relies on the outermost boundaries of the Project site (this is the Facility Boundary and means the outermost boundary of a Project building or other structures, or the outermost areas of construction activity or disturbance), or the Project fence line, and for linear projects, such as transmission lines or pipelines, the Facility

across Massachusetts, and do not necessarily mean that an Indicator exceeds regulatory thresholds or poses direct human health risks at a particular score.

²³ Access the technical documentation that explains MES and describes the data used by the tool for component scores:
<https://www.arcgis.com/sharing/rest/content/items/98e655e983ae40fb9b4749f58974009c/data>.

Boundary is the edge of the right-of-way (“ROW”).²⁴ The SGA also uses a prescribed “radial distance” outward from the Facility Boundary, based on type of facility, or facility component. The Applicant must then examine whether the SGA intersects any BAs as identified by the MES. Applicants must complete a CIA for any BA that intersects the SGA. If the Project’s SGA does not overlap with any BAs, then the Applicant is not required to conduct any further CIA analysis but must complete the CIA Report detailing the steps it took to confirm that the SGA does not overlap with a BA and that no further CIA steps are necessary. The Applicant must identify Indicator values and any Elevated Indicators within the BA. MES provides the percentile values for each Indicator in a Census Block Group which represents the baseline conditions that will be used when assessing the Project’s Impact. For each BA within the SGA, the Applicant must document the Elevated Indicators (i.e., for CEIF, Elevated Indicators are those above the 50th percentile for the specific Indicator; for Fossil Fuel-Related Energy Infrastructure (e.g., legacy Facilities reviewed by the Siting Board), Elevated Indicators are all 30 Indicators in MES).

For each Elevated Indicator, the Applicant provides a written description of the Project’s Impact related to that Elevated Indicator in the BA for both the construction and the operations phases. To the extent feasible, the Applicant must provide both a qualitative and a quantitative assessment of each such Project Impact. A Project may have negative, positive (Benefits), or no Impacts on a given Indicator. An Applicant must provide an explanation of how it assessed the projected level of such Impacts. In assessing severity of an Impact, the Applicant should consider:

²⁴ The Final CIA and SSC Regulations define Facility Boundary as “the outermost boundary of the Project site (such as a Project building or other structures, or the outermost areas of construction activity or disturbance), or the Project fence line. For linear projects, or project components, such as transmission lines or pipelines, the Facility Boundary shall be the edge of the right-of-way.” 980 CMR 15.02. The Final CIA and SSC Regulations define Site Footprint as “the area of land and water encompassed by a CEIF’s equipment, plus any land significantly impacted by construction of the CEIF, including, but not limited to, land altered for clearing, grading, and roadways.” 980 CMR 15.02. The distinction between these two definitions is that a Site Footprint can be slightly larger than the Facility Boundary because it can encompass construction areas that extend beyond the Project fence line or edge of the right-of-way.

the nature of Impacts, the magnitude/degree of Impacts, the geographic extent of Impacts, and the Impact duration.

The Applicant assesses whether a Project results in a Disproportionate Adverse Effect related to an Elevated Indicator. The Project would result in a Disproportionate Adverse Effect if the Project causes a negative Impact during construction and/or operation that materially exacerbates the condition reflected by the Elevated Indicator. Applicants must describe anticipated Impacts from the proposed Project and solicit input from Key Stakeholders, starting during the pre-filing process, on avoidance, minimization, and mitigation of those Project Impacts in compliance with 980 CMR 16.07 (Pre-filing Engagement Requirements for Meetings with Key Stakeholders and Public Meetings with the Community).

Finally, where the Project will cause a Disproportionate Adverse Effect in a BA, the Applicant must propose remedial actions to address the Project's Impact to that Elevated Indicator in the BA. Proposed remedial actions should include a description of any actions the Applicant proposes to remediate Disproportionate Adverse Effects, using the mitigation hierarchy:²⁵ avoidance (avoiding impacts where possible); minimization (reducing unavoidable impacts to the greatest extent feasible); and mitigation (addressing remaining effects through appropriate mitigation measures, which may include rehabilitation, restoration, or offsets). Remedial actions should proportionately address the extent, nature, magnitude, duration, and geographic reach of Disproportionate Adverse Effects resulting from a proposed Project.

B. EEA SSC Guidance

On May 5, 2025, EEA issued a straw proposal for establishing Site Suitability Guidance. EEA solicited comments on this straw proposal through May 23, 2025, and held a series of stakeholder meetings to discuss it both before and after the comment period. On September 12, 2025, EEA issued a draft guidance document "Site Suitability Assessments for Clean Energy Infrastructure." EEA conducted a series of stakeholder meetings to discuss the draft Site

²⁵ For a discussion of the mitigation hierarchy, see the Decision Opening Rulemaking EFSB 25-10-A, at 23-24.

Suitability Guidance and conducted a webinar on October 9, 2025.²⁶ EEA also accepted written comments on the draft Site Suitability Guidance through October 31, 2025. On January 29, 2026, EEA issued a revised Site Suitability Guidance document and solicited a final round of public comments through February 13, 2026. EEA finalized its Site Suitability Guidance on March 1, 2026.²⁷

The Site Suitability Guidance describes the methodology for determining the suitability of sites for applicable clean energy infrastructure and provides recommendations for using the Site Suitability methodology in the review of Applications for Consolidated Permits and Consolidated State Permits by the Siting Board, and Consolidated Local Permits by Local Governments, and how to use the methodology to avoid, minimize, or mitigate impacts on the environment and people to the greatest extent practicable. The Siting Board's regulations at 980 CMR 15.00 reflect the Site Suitability Guidance. The regulations promulgated by DOER establishing standards, requirements, and procedures governing the siting and permitting of SCEIF by Local Governments, 225 CMR 29.00, reflect the Site Suitability Guidance for SCEIF.

Proponents of Fossil Fuel-Related Energy Infrastructure are not required to complete a Site Suitability Assessment. CEIF proponents applying to the Siting Board or Local Governments for Consolidated Permits will be required to complete a Site Suitability Assessment, with certain exceptions. The Site Suitability Guidance exempts certain projects from its requirements, including very small generation facilities. Site Suitability Guidance at 8. The 2024 Climate Act limits the application of Site Suitability Assessments for transmission and distribution infrastructure to "newly established public rights of way." St. 2024, c. 239, § 5.

²⁶ On September 12, 2025, OEJE issued its Draft Standards and Guidelines for Community Benefit Plans and Community Benefit Agreements. The October 9, 2025 webinar was conducted jointly with OEJE, and included discussion of OEJE's Draft Standards and Guidelines for Community Benefit Plans and Community Benefit Agreements. OEJE finalized the Standards and Guidelines for Community Benefit Plans and Community Benefit Agreements on March 1, 2026.

²⁷ The Site Suitability Guidance is available at <https://www.mass.gov/doc/site-suitability-guidance-final-march-1-2026/download>.

The Site Suitability Assessment uses a scoring framework that evaluates certain social and environmental criteria using publicly available datasets and tools. The Site Suitability Guidance establishes a process by which a potential site for CEIF siting is scored on five criteria, and that score reflects the site's suitability for the siting of the CEIF. These scores will be taken into consideration by permitting authorities and impact the types and level of minimization or environmental mitigation measures needed to be issued a permit.

The Site Suitability Guidance calculates for each CEIF site Criteria-Specific Suitability Scores, a quantitative rating (0.0 to 5.0) of the suitability of a given project site with respect to specific social, environmental, and physical criteria (*i.e.*, climate change resilience, carbon sequestration, biodiversity, agriculture, social and environmental burdens).²⁸ Site Suitability Guidance at 10-13. Scores may be modified by Score Modifiers that can subtract or add points to a score based on project-specific features reflecting particular social, environmental, and physical criteria (development potential and social and environmental benefits). The SSR will include all Criteria-specific Suitability Scores for an applicable facility. Lower suitability scores indicate more suitable locations for CEIF, while higher scores indicate less suitable locations.

The five criteria are: (1) Climate Resilience (exposure of the site to two climate hazards: riverine flooding and coastal flooding from sea level rise and storm surge); (2) Carbon Storage and Sequestration (estimated carbon stocks and 50-year projections of carbon sequestration at a site, reflecting anticipated carbon losses associated with site clearing for an energy facility); (3) Biodiversity (site-specific values of a biodiversity index, based on specific Massachusetts BioMap²⁹ elements and National Heritage and Endangered Species Program Priority Habitat, as well as ecological integrity value); (4) Agricultural Resources (site-specific values of an agricultural resources index, overlap with areas designated as: (i) Prime Farmland, (ii) Farmland of Statewide Importance, and (iii) Farmland of Unique Importance, with greater weight given to areas under active agricultural use); and (5) Social and Environmental Burdens (assessed by

²⁸ Criteria-specific Suitability Scores for climate change resilience are scored on a 0.0 - 3.0 scale.

²⁹ See <https://www.mass.gov/info-details/biomap-the-future-of-conservation-in-massachusetts>.

examining a CEIF's Site Footprint and its intersection with the scores established for each Census Block Group in the MES tool). Score Modifiers include: (1) development potential (points added or subtracted for projects located in Protected Open Space, or for Solar Canopies, Brownfields, Eligible Landfills, and Previously Developed Lands); and (2) Social and Environmental Benefits (points subtracted for providing certain social and environmental benefits, if agreed to by the host municipality). Site Suitability Guidance at 13-14, 17-18.

The Site Suitability Guidance establishes a process for Site Suitability Assessments. During the initial pre-filing stage, Applicants shall utilize the Site Suitability Mapping Tool to derive the anticipated Criteria-specific Suitability Scores for a proposed Applicable Facility prior to submitting an application for a Consolidated Permit, Consolidated Local Permit, or Consolidated State Permit.³⁰ If one or more Criteria-specific Suitability Score is disputed, the Applicant or affected stakeholder may request a score review with the Siting Board Director or DOER, depending on the type of permit at issue.

The Site Suitability Guidance includes recommendations for how the Siting Board may use the Criteria-specific Suitability Scores. Site Suitability Guidance at 18-19. The Site Suitability Guidance recommends that Applicants seeking Consolidated Permits and Consolidated State Permits from the Siting Board use the Site Suitability Mapping Tool during the pre-filing process as an initial screening tool. Site Suitability Guidance at 9. Applicants should use the Site Suitability Mapping Tool to estimate the Criteria-specific Suitability Scores for the proposed CEIF. Applicants should share these estimated Criteria-specific Suitability Scores with stakeholders in any pre-filing engagements that occur prior to submitting an application to the EFSB and describe how the Criteria-specific Suitability Scores informed project design and/or the alternatives analysis used to select the Applicant's preferred site option, if applicable. Applicants would file their SSR with their Application to the Siting Board.

³⁰ EEA has developed a web-based mapping tool established and maintained by EEA, which contains geographic information system data layers used to determine Criteria-Specific Suitability Scores. The Site Suitability Mapping Tool has the capability to automatically calculate an Applicable Facility's Criteria-Specific Suitability Scores by delineating the Applicable Facility's Site Footprint in the tool.

The Site Suitability Guidance recommends that the Siting Board use the Criteria-specific Suitability Scores as a resource to determine whether a proposed Project avoids Impacts, or whether Project Impacts should be further minimized and/or mitigated for a Project to receive a Consolidated Permit, Consolidated Local Permit, or Consolidated State Permit. Site Suitability Guidance at 18-19. All minimization and mitigation measures should have a rational nexus to the Impact or Burden. Site Suitability Guidance at 19.

V. FINAL CIA AND SSC REGULATIONS, 980 CMR 15.00

The Siting Board's 2024 Climate Act regulations package implements a comprehensive program to accelerate the siting of clean energy infrastructure while emphasizing participation by Key Stakeholders and community members in the development and review process. The 2024 Climate Act created new categories of facilities, new roles for state, regional, and local agencies and various stakeholders, and established new procedural mechanisms to enhance the efficiency and effectiveness of CEIF siting and permitting in the Commonwealth. See EFSB 25-10, Decision Opening Rulemaking for a detailed description of the context of Proposed Regulations.

Understanding and accounting for cumulative impacts is essential to making equitable decisions about energy infrastructure that assess population vulnerabilities and public health impacts. Rather than evaluating a proposed Project in isolation, a cumulative impacts framework considers how multiple environmental and social Indicators interact and build over time in a given area. Cumulative impacts are the compounding effects resulting from exposures to multiple stressors experienced by a person or community. These cumulative impacts are focused on historical burdens of industrial, commercial, and other activities and those effects on people. Cumulative impacts include past and present activities and conditions that affect pollution and climate burden, and population characteristics through the lens of environmental exposures, environmental effects, climate risks, sensitive populations, and socioeconomic factors.

Cumulative burden has direct implications for public health, as communities facing multiple overlapping Indicators tend to experience higher rates of chronic disease, lower life expectancy, and greater vulnerability to environmental hazards. Incorporating cumulative impact

considerations into energy planning and permitting is therefore a critical strategy for protecting human health and reflects the Commonwealth's priority of ensuring that state agencies meaningfully address the longstanding and interconnected inequities concerning environmental exposure and infrastructure development.

Clean energy projects, such as solar, wind, storage, and transmission system upgrades, are intended to support statewide reductions in greenhouse gas emissions, improve air quality, strengthen system reliability, and advance the transition to a clean energy system. Some clean energy projects may also bring localized improvements – such as reducing reliance on older, higher emitting facilities in or near certain communities. The CIA process provides a structured, transparent way to understand how new energy infrastructure will interact with existing environmental and social conditions and support new energy projects without imposing Disproportionate Adverse Effects. For Fossil Fuel-Related Energy Infrastructure, the CIA process assesses a proposed Project's Impacts, provides a structured way to evaluate Elevated Indicators, and considers the mitigation hierarchy while avoiding Disproportionate Adverse Effects.

A. CIA Analysis

The Siting Board's Final CIA and SSC Regulations implement the provisions of the CIA Guidelines and the Site Suitability Guidance. 980 CMR 15.01(4). The Siting Board addresses the Site Suitability Guidance in Section V.B, below. As an initial matter, 980 CMR 15.01 explicitly states that the CIA regulations apply to both Fossil Fuel-Related Energy Infrastructure and CEIF. CIA is one aspect of the Board's evaluation of a Project's overall impact. G.L. c. 164, § 69H. Pursuant to G.L. c. 164, § 69H, nothing in 980 CMR 15.00 limits the Board's consideration of the full range of Project Impacts (e.g., air emissions, stormwater or wastewater discharges, solid or hazardous waste generation, traffic, impervious surfaces, heat-island effect, climate change effects such as heat, flooding or wildfire risk, impacts to natural resources and habitat, impacts to public health or socioeconomic conditions, ecological, historical/archaeological resources, tree canopy cover, constructability, etc.) or geographical areas outside the BAs as defined in 980 CMR 15.02

when evaluating energy projects. G.L. c. 164, § 69H. 980 CMR 15.01 also references the CIA Report Template and Instructions, attached to this Decision.³¹

The Final CIA and SSC Regulations outline the CIA process, closely mirroring the CIA process as defined in the CIA Guidelines. In its Decision opening the rulemaking for 980 CMR 15.00, the Siting Board provided detailed information on the Proposed CIA and SSC Regulations. EFSB 25-10-A. In this Decision, the Siting Board notes the comments it has received and explains the recommended changes to 980 CMR 15.00, and the CIA Report Template. The Final CIA and SSC Regulations and CIA Report Template are attached to this Decision.

1. Changes Based on Revisions to the CIA Guidelines

In the proposed regulations at 980 CMR 15.02, the Siting Board included a definition of Elevated Indicators. This definition defined an Elevated Indicator as one that is at or above the 50th percentile statewide in Massachusetts, prior to consideration of additional Project Impacts. Several commenters pointed out that an Indicator at the 50th percentile is not “disproportionate” (Eversource and National Grid Joint Comments). Other commenters indicated support for an Elevated Indicator at the 50th percentile (Conservation Law Foundation and Six Supporting Organizations³² Comments at 1, 3; Environmental Justice Table Comments at 4; Union of Concerned Scientists Comments at 1-2). Some commenters argued that Elevated Indicators should be set significantly higher than the 50th percentile, but the Siting Board declines to make the requested change (see Eversource and National Grid Joint Comments at 25). The Final CIA and SSC Regulations provide that an Elevated Indicator is above the 50th percentile because the Siting Board removed “at or” from the Elevated Indicator threshold.

³¹ The CIA Report Template and Instructions provide detailed guidance to Applicant for completing their CIA Reports.

³² Conservation Law Foundation filed a comment letter on February 13, 2026, with the support of the following organizations: Alternatives for Community & Environment, Arise for Social Justice, Clean Water Action, GreenRoots, Sierra Club Massachusetts, and Union of Concerned Scientists.³

The proposed regulations defined a process by which entities in a non-BA could petition the Director of the Siting Board for a CIA in the non-BA. 980 CMR 15.04(6). The Siting Board discussed this provision extensively during the February 26, 2026, Board meeting, and the Siting Board also received comments on this provision. Numerous commenters support a process allowing a person in a non-BA to petition for a CIA (Conservation Law Foundation Comments and Six Supporting Organizations at 5; Environmental Justice Table Comments at 3-4; Union of Concerned Scientists at 1; Westfield Residents Advocating for Themselves Comments at 1-2). Some stakeholders asserted that allowing petitions for CIAs to be conducted for non-BAs is unnecessary (Eversource and National Grid Joint Comments at 9-14). Other commenters expressed concern that the petitions for a CIA in a non-BA could be used as a delay mechanism, and argued that there should be a high standard for granting a petition (RENEW Comments at 2-3). First, the Siting Board declines to remove this provision as it serves as a tool to ensure that an Applicant conducts a CIA in areas where it is warranted. The Siting Board agrees that there should be a high standard for granting this petition, and notes that the regulations provide that the petition would be granted only in extraordinary circumstances. 980 CMR 15.04(6)(d). Furthermore, the Final CIA and SSC Regulations limit the entities that can petition for a CIA to group of ten or more residents residing in, or businesses with a business address in, a Census Block Group that intersects the SGA. The Final CIA and SSC Regulations require that at least one member of the group must meet the definition of Key Stakeholder. 980 CMR 15.04(6). Finally, the Final CIA and SSC Regulations provide certain procedural protections to ensure that granting the request for a CIA does not delay the review of a proposed project and occurs simultaneously with project review. 980 CMR 15.04(6)(e) and (f).

The proposed regulations provide that to determine whether a Project Impact results in a Disproportionate Adverse Effect on an Elevated Indicator, the effect must “materially exacerbate” the condition reflected in the Elevated Indicator. 980 CMR 15.07(1). Several commenters requested clarification of the term “materially exacerbate”. The Siting Board notes that what constitutes a material change in an Elevated Indicator will necessarily be fact specific. However, the Siting Board intends this term to capture negative Impacts that are more than minimal or de minimis. To determine if a negative Project Impact to an Elevated Indicator constitutes a

Disproportionate Adverse Effect, the Project must materially exacerbate the condition reflected in the Elevated Indicator causing additional negative Project Impacts. 980 CMR 15.07(1). An Applicant is required to explain whether the Project impacts an Elevated Indicator in such a manner and intervenors and commenters have the ability to concur or disagree.

In the proposed regulations at 980 CMR 15.08(1)(c), the Siting Board required that an Applicant mitigate Project Impacts to the fullest extent practicable. One commenter contends that the statutory language relating to mitigation of Project Impacts does not include the word “fullest” (Eversource and National Grid Joint Comments at 22). To ensure consistency with the statutory language, the Siting Board has removed the word “fullest” and requires an Applicant to mitigate Project Impacts to the extent practicable. 980 CMR 15.08(1)(c).

The Siting Board received several comments, and discussed during the February 26, 2026, Board meeting, the role of Community Benefit Plans (“CBP”) and Community Benefits Agreements (“CBA”). Some commenters noted that the 2024 Climate Act does not require that Applicants enter into CBA/CBPs (Eversource and National Grid Joint Comments at 4, 20; RENEW Comments at 3). The Siting Board agrees that the CIA regulations do not require a CBP/CBA for a proposed Project. The Final CIA and SSC Regulations do include specific references to the OEJE Standards and Guidelines for Community Benefit Plans and Community Benefits Agreements for guidance for such voluntary plans and agreements. 980 CMR 15.11(3). The Siting Board received comments on the difference between mitigation and CBAs (Environmental Justice Table Comments at 5-7; Eversource and National Grid Joint Comments at 18-19; Conservation Law Foundation Comments at 8). The Final CIA and SSC Regulations clarifies that mitigation measures must have a nexus to Project Impacts. 980 CMR 15.02, 15.11(3). In contrast, if an Applicant develops a CBP or enters into a CBA, the benefits offered by the Applicant in a CBP or CBA are not required to have a nexus to Project Impacts. See 980 CMR 15.02. Nevertheless, a CBA may include useful mitigation measures, and the Siting Board would consider the CBP or CBA in its determination regarding the appropriate level of mitigation of Project Impacts to include in any EFSB Consolidated Permit.

2. Other Changes

980 CMR 15.01(2) provides that the CIA regulations apply to project changes that would trigger Siting Board jurisdiction. Some commenters support requiring the CIA provisions to apply to project changes (Conservation Law Foundation Comments at 1, 4; Environmental Justice Table Comments at 8). Some commenters recommended that the Siting Board remove this requirement (Eversource and National Grid Joint Comments at 15-18). The Siting Board declines to remove this provision, but takes the opportunity to clarify what it means by “triggers Board jurisdiction.” The Siting Board intends that only significant project changes should be subject to the CIA regulations. The Final CIA and SSC Regulations state that 980 CMR 15.00 applies to a project change that by itself would qualify as a “Facility” or a “CEIF,” or requires a subsequent final decision of the Board. 980 CMR 15.01(2).

The proposed regulations at 980 CMR 15.03(1) stated that an Applicant must determine whether the SGA of its Project intersects with a BA for every proposed site or route, and every noticed site and route. Commenters requested that the regulations make it explicit that there is no requirement that an Applicant conduct a CIA for every site or route that is under consideration for a Project, unless noticed (Eversource and National Grid Joint Comments). The Siting Board added the requested clarification. However, given that the MES tool is available to easily determine whether the SGA for a proposed Project intersects a BA, the Siting Board encourages Applicants to use MES as a screening tool to determine whether sites under consideration may intersect a BA, and use this information as a factor in their site selection process. The Siting Board notes that a similar tool is available to determine the suitability of a site for a Project (see Site Suitability Guidance). Such tools should provide helpful information to interested stakeholders and should assist Applicants in refining sites and routes to bring forward for Siting Board review.

In addition, 980 CMR 15.03(3) requires a full CIA whenever any portion of a Project’s SGA intersects a BA. Some commenters argued that this requirement does not take into account the scale, duration, or functional relevance of that overlap, diverting time and resources away from projects and communities where cumulative impacts are “truly significant” (RENEW Northeast/American Clean Power). In the CIA Report, the Applicant can explain the limited functional relevance of the CIA based on the scale or duration of the overlap between a Project’s

SGA and the BA. However, the Siting Board declines to revise the regulations to account for a small or partial overlap of a BA.

Several commenters argued for an adjustment for the radial distances for certain project types. Certain BESS supporters argued that the SGA for a BESS project should be significantly decreased from that specified in the proposed regulations to one-half mile (Environmental Defense Fund Comments at 11; Environmental Justice Table Comments at 7; Environmental League of Massachusetts Comments at 4; RENEW Comments at 4), and to increase the radial distance for gas pipelines to 1 mile (Environmental League of Massachusetts Comments at 4).

980 CMR 15.05(1). In the Final CIA and SSC Regulations, the Siting Board declines to reduce the SGA for BESS, but agrees that the SGA for gas pipelines should be expanded to 1 mile.

The Siting Board received comments arguing that 980 CMR 15.00 does not adequately reflect considerations of impacts to natural resources (DeChiara Comments and Supplemental Comments at 1-3, Norman Comments at 1-2). The Siting Board has a statutory mandate, separate from the CIA/SSC regulation, to identify environmental impacts from a Project and to ensure efforts have been made to avoid, minimize, and mitigate those impacts. G.L. c. 164, § 69H. This mandate, taken together with the combination of analyses used by the Board - Site Suitability, CIA, and the environmental analysis (conducted as part of the Project Application review) - address natural resource issues. See EFSB 25-10-A at 19; 980 CMR 15.01(3). The Final CIA and SSC Regulations are only part of the Siting Board's review of a Project and combined with other tools, provide a comprehensive review of a proposed Project.

Several commenters provided helpful suggestions on how to improve the CIA Report Template (Environmental Defense Fund Comments at 4, 7; Eversource and National Grid Joint Comments at 8). The Siting Board incorporated many of these comments into the CIA Report Template. The Siting Board notes that the Template is not a regulation, and will be subject to further refinement.

B. Site Suitability Assessment

In 980 CMR 15.10, the Board follows the Site Suitability Guidance for CEIF, as issued by EEA. The Site Suitability Guidance is applicable to LCEGFs, SCEGFs, LCESFs, SCESFs, and

also to LCTDIFs and SCTDIFs in newly established public ROW.³³ Site Suitability Assessments are not required for Projects exempted under 225 CMR 29.07(1). 980 CMR 15.10(1). SCEIF that are exempted from Site Suitability Assessment per 225 CMR 29.07 shall be exempted from the requirements of 980 CMR 15.10.

Applicants utilize the Site Suitability Mapping Tool, pursuant to instructions provided in the Site Suitability Guidance, to derive the anticipated Criteria-specific Suitability Scores for a proposed CEIF prior to submitting an Application for a Consolidated Permit or Consolidated State Permit to the Board. 980 CMR 15.10(2). Applicants share these estimated Criteria-specific Suitability Scores with stakeholders during the pre-filing process, per 980 CMR 16.00, and file a SSR with its Application for a Consolidated Permit or Consolidated State Permit per 980 CMR 13.00, as applicable. 980 CMR 15.10(2), (3). The Board considers Site Suitability Assessments in its review of a Project. 980 CMR 15.10(6). The Board considers Criteria-specific Suitability Scores to assess avoidance, minimization and mitigation of Project Impacts. 980 CMR 15.10(6). The Board shall consider the Criteria-specific Suitability Scores in its decision on whether to grant a Consolidated Permit or Consolidated State Permit, as applicable. 980 CMR 15.10(6). The Decision opening the rulemaking for 980 CMR 15.00 provides additional detail on the Site Suitability process. EFSB 25-10-A.

The Site Suitability Guidance was revised over the course of the CIA public comment period. One significant revision included the elimination of Total Suitability Scores, in favor of requiring only Criteria-specific Suitability Scores. To reflect this change, the Siting Board added the definition of Criteria-specific Suitability Score to the definitions in 980 CMR 15.02. In addition, the Site Suitability Guidance removed the requirement for a formal score determination, and instead allows an Applicant to score its Project, subject to the Siting Board's consideration of the score.

³³ Site Suitability requirements do not apply to Fossil Fuel-Related Energy Infrastructure. St. 2024, c. 239, § 23.

VI. VOTE AND DECISION

The Siting Board hereby votes to [adopt] Final CIA and SSC Regulations to implement provisions of the 2024 Climate Act, St. 2024, c. 239. The Siting Board [adopts]] new regulation 980 CMR 15.00: Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria. The Siting Board also adopts the CIA Report Template, attached to this Decision.

A handwritten signature in black ink, appearing to read "Joan Foster Evans", is written over a light gray horizontal line.

Joan Foster Evans, Esq.

Dated this 15th day of April 2026

[APPROVED by unanimous vote of] the Energy Facilities Siting Board at its meeting of April 21, 2026, by the members and designees present and voting. Voting for approval of the Final Decision: Rebecca L. Tepper, Secretary of Energy and Environmental Affairs and Chair, Energy Facilities Siting Board; Jeremy McDiarmid, Chair, Department of Public Utilities; Elizabeth Mahony, Commissioner, Department of Energy Resources; Bonnie Heiple, Commissioner, Department of Environmental Protection; Douglas Gutro, Director of the Permit Regulatory Office and designee for Eric Paley, Secretary, Executive Office of Economic Development; Dr. Robert Goldstein, Commissioner, Department of Public Health; Thomas O'Shea, Commissioner, Department of Fish and Game; and Joseph C. Bonfiglio, Public Member.

Rebecca L. Tepper, Chair
Energy Facilities Siting Board

Dated this 21st day of April 2026